Remarks

In the present response, no claims are amended. Claims 1-17 are presented for examination, and claims 18-21 were previously withdrawn.

Claim Rejections: 35 USC § 103(a)

Claims 1-17 are rejected under 35 USC § 103(a) as being unpatentable over US provisional application 60/248,251 (Ebbs) in view of US publication number 2002/0120554 (Vega). These rejections are traversed.

All of the elements of the claims are not taught or suggested in Ebbs in view of Vega. In other words, the combination does not teach or suggest all the elements in the claims. Examples for various independent claims are provided below. **These examples show that the differences between the combined teachings in the art and the recitations in the claims are great.** As such, the pending claims are <u>not</u> a predictable variation of the art to one of ordinary skill in the art.

As one example, claim 1 recites that the auction auditing module generates simulated bids to audit the auction taking place on the auction site. Claim 10 recites simulated bidder data to submit at least one simulated bid to audit the auction. Claim 14 recites receiving a bid from a simulated bidder and then auditing the auction's behavior based on the bid placed by the simulated bidder.

The Office Action <u>admits</u> that "Ebbs does not explicitly teach simulated bidder data" (see OA mailed 01/23/2008 at p. 3). Applicants <u>agree</u> with admission. The Office Action, however, attempts to cure this deficiency with Vega. Applicants respectfully traverse.

Vega teaches methods and systems to match service providers with customers and clients. Service providers (such as lawyers, accountants, and medical practitioners) describe their services to a retaining engine. Potential customers then login to a website and describe their projects or service needs. The retaining engine then matches the requested services of the customer with the service skills of the service providers (see paragraph [0088]). Nowhere does Vega teach or even suggest generating <u>simulated bids to audit an auction</u>. In fact, Vega does not even discuss or suggest simulated bids for his

6

system. Furthermore, Vega does not teach or even suggest that simulated bids can be used to audit an auction. Again, Vega is not related to simulating bids.

The Office Action cites six paragraphs in Vega ([0193], [0195], [0119], [0054], [0093], and [0188]) for allegedly teaching simulating bids. These sections of Vega teach an auction system in which a seller inputs a description of services for purchase by potential customers (see paragraphs [0054] and [0093]). The auction system can present holographic images (see paragraph [0119]) and includes features such as a newsletter, personal web pages, instant messaging, et al. (see paragraph [0188]). The auction system also includes a retaining engine that helps to "predict, test, track, and optimize strategic and tactical goals based on a complete integrated view of revenue, risk and cost" (see paragraph [0193]). This retaining engine further has "features that combine short-term predictive modeling with long-term forecasting" (see paragraph [0195]).

Although Vega uses words such as "predict" or "optimize" Vega never teaches or even suggests that his auction system utilizes simulations of bid data or simulations of bidders to audit the secondary markets. In fact, the auction system or retaining engine never uses any simulation of bid data. Further, **Vega never uses his auction system methodologies to simulate bids to audit an auction**. Such simulations are not even suggested in Vega.

For at least these reasons, the claims are allowable over Ebbs in view of Vega.

CONCLUSION

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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